

SPECIAL USE PERMIT

TOWN OF GUILDERLAND  
ZONING BOARD OF APPEALS

NUMBER 5-74

APPLICANT Tusang-Barhydt, Inc.

ADDRESS 1434 Western Avenue, Albany, N. Y. 12203

GRANTED 2-22-74

~~DELETED~~

WHEREAS, a public hearing to consider applicant's request was duly advertised and held on 2-22-74 to consider plans or proposal to obtain a SUP to add a second story addition in rear to existing building, approximately 62' x 61' for storage purposes at 1434 Western Avenue. Property is in B-1 Zone, and use conforms to present zoning; building pre-exists zoning and is non-conforming to current regulations. Property is in B-1 Zone, Area Map Code 77.

WHEREAS, it was determined that the various conditions of the Ordinance (have) ~~(have)~~ been met.

In reaching its decision, the Board made the following findings of fact and conclusions of law:

1. The use conforms to present zoning (i. e. use is permitted in a B-1 Zone).
2. Building pre-exists zoning and is non-conforming to current regulations.
3. Addition will be used for storage of lighting and electrical materials only.
4. Need arises due to present economic conditions and to maintain present sales position.
5. An access is provided behind applicant's property and adjoining Atlantic Richfield gas station.
6. Applicant has indicated there will not be an increase in the amount of non-conforming features of the existing lot.

NOW THEREFORE, the requested permit was (GRANTED subject to the following special conditions) ~~(DELETED)~~.

## Special conditions:

- (a) No sign will be installed without prior approval of the Zoning Board of Appeals and without having obtained appropriate permit from the Zoning Administrative Officer.
- (b) All trash shall be stored in a refuse room, dumpster or compactor and none left or burned outside of buildings.
- (c) Premises shall be maintained in a clean and orderly manner and no equipment or vehicles or machinery stored or displayed outside of premises without specific approval.
- (d) Granting of permit is made expressly subject to necessary approvals of any federal, state or county department or agency or other departments of the Town and to all other provisions of the Zoning Law and other applicable laws and regulations.
- (e) Exterior lighting shall be shielded so as not to affect adversely adjoining properties or users of abutting highways.
- (f) There shall be no display of banners, posters or other devices of a sales promotion character, without prior approvals of the Zoning Board of Appeals.
- (g) That appropriate foundation plantings, buffer zones or fencing as established by the Zoning Board of Appeals will be installed and maintained.
- (h) That if premises are to be used for commercial food preparation, and appropriate filter device will be installed on all outside vents to avoid emission of cooking odors. ~~If device used is not adequate, the Zoning Board will require system to~~ comply to an odor-free condition.
- (i) No change in the use for which this Special Use Permit was granted shall be made without approval of the Zoning Board of Appeals.
- (j) Other conditions imposed by the Zoning Board of Appeals or basis for denial of permit:

1. Permission is granted for a second story addition in rear to existing building, approximately 62' x 61' for storage purposes.
2. As this is an extension of present storage area on second floor, the roof line will remain the same. The existing sales space will not be effected.
3. All existing parking to be provided and maintained.
4. The exterior of proposed addition and existing building are to be similar material and entire building to be retained on completion of addition.